

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:19-CR-166-FL-1

UNITED STATES OF AMERICA

v.

FURMAN ALEXANDER FORD

)  
)  
)  
)  
)


ORDER

This matter comes before the court on its order to show cause as to why defendant should be maintained in custody, following dismissal of charges in the instant proceeding. (DE 65). The government timely responded, asserting that a signed criminal complaint and accompanying warrant for defendant's arrest have been issued. See Fed. R. Crim. P. 4, 4.1; United States v. Ford, No. 5:20-mj-01720-RN, ECF Nos. 1, 2 (E.D.N.C. July 7, 2020). The government further represented that it expects the signed criminal complaint and arrest warrant to be served as soon as possible, and that counsel for the defendant has been provided a copy of the criminal complaint. For his part, defendant requests any detention based on the above captioned matter be immediately terminated, and if no other lawful basis for his continued detention now exists, defendant be immediately released.

The issue of defendant's continued detention in this matter may be moot due to pending charges against defendant. However, the court is not able to resolve this mootness issue, where neither party can say whether service of process in the currently pending proceeding has occurred. The court will not rely on the government's assurances that it will serve process on defendant "within a reasonable time" to justify restraining defendant's liberty interests by holding him in

custody. Unless defendant has been arrested on charges in the new proceeding mentioned above, the government is ORDERED to release defendant by Thursday, July 16, 2020, at 12:00 p.m. The clerk is DIRECTED to transmit a copy of this order to the United States Marshals' service.

SO ORDERED, this the 14th day of July, 2020.

  
\_\_\_\_\_  
LOUISE W. FLANAGAN  
United States District Judge